

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA
V.
COTRIENA MACHELLE EMBERS

§
§
§
§
§

Case No. 4:19-CR- 281
Judge Mazzant

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 18 U.S.C. § 157
(Bankruptcy Fraud)



On or about August 31, 2017, in the Eastern District of Texas, the defendant, **Cotriena Machellem Embers**, devised and intended to devise a scheme and plan to defraud MP Northwood, LLC, and Mid-America Apartments, LP of its right and interest to lawfully collect payment of apartment rental payment required by lease, by means of filing a petition in bankruptcy to stop an eviction proceeding, and for the purpose of executing and concealing said scheme and artifice, filed and caused to be filed a voluntary petition in bankruptcy under Title 11, United States Code, with the United States Bankruptcy Court for the Eastern District of Texas, with the purpose of carrying out an essential part of the scheme, and within that petition made material and false representations and statements, falsely stating and asserting that her name was a true legal name of an actual person with the initials "KJW," which was similar to the name under

which **Cotriena Machellembers** had leased the apartment, and further falsely describing and representing that the last four digits of her social security number were those which belonged to the actual individual KJW, and thereby filed a petition and made a false and fraudulent representation, claim, and promise concerning and in relation to a proceeding under Title 11, United States Code, to wit falsely stating and describing her legal name and last four digits of her social security number, and acted with intent to defraud.

In violation of 18 U.S.C. § 157.

COUNT TWO

Violation: 18 U.S.C. § 1343
(Wire Fraud)

On or about August 31, 2017, in the Eastern District of Texas and elsewhere, the Defendant, **Cotriena Machele Embers**, knowingly devised and intended to devise a scheme and artifice to defraud and to unlawfully obtain money and property by means of false and fraudulent material pretenses, false and fraudulent material representations, and false and fraudulent material promises, and during the course of the scheme the Defendant, **Cotriena Machele Embers**, transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and acted with specific intent to defraud, and in furtherance and execution of the scheme electronically filed and caused to be electronically filed a voluntary petition in bankruptcy under Title 11, United States Code, with the United States Bankruptcy Court for the Eastern District of Texas, and within the petition falsely stated that her name was a true legal name of an actual person with the initials "KJW", and further falsely described and represented that the last four digits of her social security number were those belonging to the actual individual KJW.

In violation of 18 U.S.C. § 1343.

COUNT THREE

Violation: 18 U.S.C. § 1028A
(Aggravated Identity Theft)

On or about August 31, 2017, in the Eastern District of Texas, the defendant, **Cotriena Machelles Embers**, did knowingly possess and use, without lawful authority, a means of identification of another person, that is, a Social Security number assigned to the actual person, and a true legal name of individual with initials “KJW,” during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, any provision contained in Title 18, Chapter 63 (relating to mail, bank, and wire fraud), specifically 18 U.S.C. § 1343, wire fraud, knowing that the means of identification belonged to another actual person.

In violation of 18 U.S.C. § 1028A(a)(1).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. §§ 981(a)(1)(c) and 28 U.S.C. § 2461

As the result of committing the offense charged in this Indictment under 18 U.S.C. § 1343, the defendant shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461:

Any property constituting, or derived from, and proceeds the defendant obtained, directly or indirectly, as the result of such violations.

Including, but not limited to, the following:

Cash Proceeds

United States currency and all interest and proceeds traceable thereto, as property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the offenses charged in this indictment.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

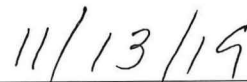
it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendant.

By virtue of the commission of the offenses charged in this Indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(c) and 28 U.S.C. § 2461.

A TRUE BILL

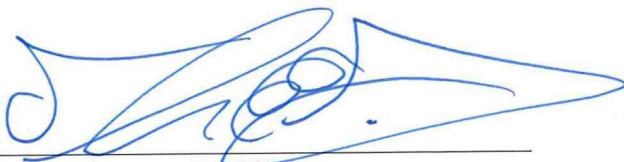


GRAND JURY FOREPERSON



Date

JOSEPH D. BROWN
UNITED STATES ATTORNEY



BY: Thomas E. Gibson
Assistant United States Attorney



Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

NOV 13 2019

Clerk, U.S. District Court
Texas Eastern

UNITED STATES OF AMERICA

§
§
§
§
§

V.

Case No. 4:19-CR- 281

Judge Muzzant

COTRIENA MACHELLE EMBERS

NOTICE OF PENALTY

COUNT ONE

Violation: 18 U.S.C. § 157 (Bankruptcy Fraud)

Penalty: Imprisonment for a term not to exceed five years; a fine not to exceed \$250,000.00, or not more than the greater of twice the gross gain to the defendant or twice the gross loss to one other than the defendant; or both; and supervised release for a term not to exceed three years in addition to such term of imprisonment.

Special Assessment: \$100.00

COUNT TWO

Violation: 18 U.S.C. § 1343 (Wire Fraud)

Penalty: Imprisonment for a term of not more than 20 years, a fine of not more than \$250,000 or not more than the greater of twice the gross pecuniary gain or twice the gross loss from the offense, or both; and supervised release for a term not to exceed three years in addition to such term of imprisonment.

Special Assessment: \$100.00

COUNT THREE

Violation: 18 U.S.C. § 1028A (Aggravated Identity Theft)

Penalty: Imprisonment for a term of two years, in addition and consecutive to any term of imprisonment imposed based on a conviction of Count Two of the Indictment; a fine not to exceed \$250,000.00, or not more than the greater of twice the gross gain to the defendant or twice the gross loss to one other than the defendant; or both; and supervised release for a term not to exceed one year in addition to such term of imprisonment.

Special Assessment: \$100.00